## REMARKS

Entry of the above amendments and reconsideration of this application are respectfully requested. Upon entry of the amendments, this application will contain all new claims, those being claims 36-61. Each of these claims is believed to read upon the elected species. It is believed that no new claims fees are due, since the new claims (26 in total, three independent) are of a number and type that do not exceed the claim fees paid for the original claims 1-35 (35 in total, two independent) which have all been cancelled.

It is submitted that claims 36-61 are fully supported by the specification and introduce no new subject matter. Claims 36-44 relate to chemotherapeutic compositions that comprise the collagenous biomaterial, a radiopaque powder material, and a chemotherapeutic agent. Supporting teachings for the collagenous biomaterial and its properties are found, for example, in the original claims and at page 5 lines 1-28, page 8, line 23 to page 9, line 15; for the radiopaque powder material for example at page 27, lines 9-24; and for the chemotherapeutic agent at page 29, lines 19-23.

Claims 45-53 relate to an implantable device that includes a claimed bioabsorbable collagenous biomaterial that is effective to promote remodeling of tissue of a patient at a site at which the biomaterial is implanted, and a radiopaque powder material received on the surface of the bioabsorbable collagenous biomaterial. Support for features of independent claim 45 and dependent claims 46-53 can be found at the relevant locations mentioned above in the specification and original claims.

Claims 54-61 relate to an implantable device that includes a multi-layer bioabsorbable collagenous biomaterial that is effective to promote remodeling of tissue of the patient at a site at which the biomaterial is implanted, and a radiopaque marker disposed in between layers of the multi-layer bioabsorbable collagenous biomaterial. Support for these claims is found at the relevant locations mentioned above as well as at page 28, lines 10-16 and Figure 4 (marker received between layers).

Turning now to the remarks of the Office Action, first, it is noted that the specification has been amended to update the reference to related applications, as requested by the Examiner.

Claims 1-8, 10-24, 26-29, 32 and 33 were rejected under 35 U.S.C. 103(a) over any of Kropp et al., Whitson, and Bonadio et al., taken with Berg and Martin et al. Each of these claims has been cancelled, thus rendering this rejection moot.

Claims 1-8, 10-24 and 25-35 were rejected under 35 U.S.C. 103(a) over any of Badylak et al, Badylak 2, Cook et al., Fearnot, or Badylak 3 taken with Berg, Martin et al. and Scarborough. Each of these claims has been cancelled, thus rendering this rejection moot.

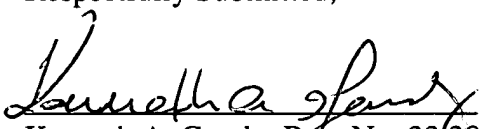
Further, it is submitted that the maintenance of these or similar rejections as to any of the new claims would be improper, at the least, for the following reasons. As to claims 36-44, these relate to chemotherapeutic medical compositions that include the claimed bioabsorbable collagenous biomaterial provided in an injectable form, a radiopaque powder material, and a chemotherapeutic agent. None of these reference, alone or combined, teaches or suggests such chemotherapeutic compositions. Accordingly, allowance of these claims is solicited.

As to claims 45-53, these feature a bioabsorbable collagenous biomaterial effective to promote remodeling of patient tissue and a radiopaque powder material received on the surface of the collagenous biomaterial. Such a combination is not taught or suggested by any of the applied references alone or in combination. For example, specifically discussing the applied references that are relied upon for their teaching as to radiopaque materials, Berg does not teach a radiopaque powder received on a surface of a collagenous biomaterial as claimed. Instead, Berg teaches a radiopaque substance received within coating 14 which furthermore is taught as preferably being an elastomeric material such as silicone, urethane, PTFE, or natural rubber (see e.g. Col. 3, lines 2-7 and Col. 3, line 66 to Col. 4, line 4). Martin et al. does not teach a radiopaque powder received on a surface of a collagenous biomaterial as claimed, but rather teaches the use of metallic fibers incorporated into a graft material (see e.g. Col. 12, lines 56-61). Scarborough does not teach a radiopaque powder received on a surface of a biomaterial as claimed, but rather teaches particles incorporated embedded within an implant (see e.g. Col. 2, lines) and only specifically discloses a preparative process in which non-demineralized bone particles (having radiopacity) are cast along with demineralized elongate bone particles to form a sheet having the non-demineralized bone particles embedded within (see Example 1). Accordingly, allowance of claims 45-53 is solicited.

As to claims 54-61, these feature an implantable device that includes a multi-layer bioabsorbable collagenous biomaterial effective to promote remodeling of patient tissue and a radiopaque marker disposed in between layers of the multi-layer bioabsorbable collagenous biomaterial. From the discussions of the Berg, Martin, and Scarborough references above and a review of their texts, it is evident that they fail to teach or suggest this claimed structure as well. Accordingly, allowance of claims 54-61 is solicited.

In view of the foregoing amendments and remarks, it is believed that this application, containing claims 36-61, is in condition for allowance. Prompt action to that end is solicited. The Examiner is requested to telephone the undersigned attorney if there are any questions about this submission or other matters that may be handled in that fashion to expedite the allowance of this case.

Respectfully Submitted,

By: 

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